

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARIUS WEST,

Defendant.

8:21CR179

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court upon the government's Motion for Preliminary Order of Forfeiture (Filing No. 74). The Court has carefully reviewed the record in this case and finds as follows:

1. On August 18, 2022, defendant Arius West ("West") pleaded guilty to Counts III and IV and admitted the Forfeiture Allegation of the Second Superseding Indictment (Filing No. 49). Count III charged defendant with possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i). Count IV charged defendant with possession with intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(D).

2. The Forfeiture Allegation of the Second Superseding Indictment alleged the \$3,187 in U.S. currency, seized on or about May 12, 2021, from the residence at 2589 Hartman Avenue, Omaha, Nebraska; the \$2,150 in U.S. currency, seized from West on or about July 18, 2021; and the \$960 in U.S. currency, seized on or about July 8, 2021, from the residence at 6506 N. 36th Street, Omaha, Nebraska, was derived from proceeds obtained (directly or indirectly) as a result of the violation and/or was used (or intended to be used) to commit or facilitate the violation.

3. Based on defendant's guilty plea and admission, West forfeits his interest in the \$3,187 in U.S. currency, the \$2,150 in U.S. currency, and the \$960 in U.S. currency

and the government should be entitled to possession of the currency pursuant to 21 U.S.C. § 853.

4. The government's Motion for Preliminary Order of Forfeiture should be granted.

IT IS ORDERED:

1. The government's Motion for Preliminary Order of Forfeiture (Filing No. 74) is granted.
2. Based upon the Forfeiture Allegation of the Second Superseding Indictment (Filing No. 49) and West's guilty plea and admission, the government is hereby authorized to seize the \$3,187 in U.S. currency, the \$2,150 in U.S. currency, and the \$960 in U.S. currency.
3. West's interest in the \$3,187 in U.S. currency, the \$2,150 in U.S. currency, and the \$960 in U.S. currency is hereby forfeited to the government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The \$3,187 in U.S. currency, the \$2,150 in U.S. currency, and the \$960 in U.S. currency is to be held by the government in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the \$3,187 in U.S. currency, the \$2,150 in U.S. currency, and the \$960 in U.S. currency in such manner as the Attorney General may direct, and notice that any person, other than West, having or claiming a legal interest in any of the \$3,187 in U.S. currency, the \$2,150 in U.S. currency and the \$960 in U.S. currency must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the \$3,187 in U.S. currency, the \$2,150 in U.S. currency, and the \$960 in U.S. currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the \$3,187 in U.S. currency, the \$2,150 in U.S. currency, and the \$960 in

U.S. currency and any additional facts supporting the Petitioner's claim and the relief sought.

7. The government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the \$3,187 in U.S. currency, the \$2,150 in U.S. currency, and the \$960 in U.S. currency as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 23rd day of August 2022.

BY THE COURT:



Robert F. Rossiter, Jr.
Chief United States District Judge